

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

STATE OF TEXAS, ET AL.,

*Plaintiffs,*

v.

DEPARTMENT OF THE INTERIOR,  
ET AL.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§

CAUSE NO. 7:23-cv-00047-DC

**ORDER GRANTING SECOND JOINT MOTION TO MODIFY  
SCHEDULING ORDER DEADLINES**

Having considered the Parties' Second Joint Motion to Modify Scheduling Order Deadlines, and for good cause shown,

IT IS ORDERED THAT:

The Parties' Second Joint Motion to Modify Scheduling Order Deadlines is GRANTED.

The Court modifies its September 13, 2023, Scheduling Order, ECF No. 39, as follows:

1. The Parties shall file all motions to amend or supplement pleadings or to join additional parties by **February 26, 2024**.

2. By **February 20, 2024**, Defendants shall transmit to each separately represented party and lodge with the Court (1) the entire Administrative Record in this matter and (2) an affidavit authenticating the Administrative Record, detailing the process and procedure by which the Administrative Record was collected, and certifying its completeness.

3. By **March 22, 2024**, Plaintiffs shall file any objections or requests to supplement/amend the Administrative Record. Any disputes regarding the sufficiency, scope, or content of the Administrative Record or the supplementation of the same not raised during consultation of the Parties and by motion or before the **March 22, 2024**, deadline will be deemed

to have been waived. If Plaintiffs believe discovery is needed to supplement or amend the Administrative Record, they shall file a motion for leave to do so by this date with a copy of the specific discovery sought.

4. By **April 22, 2024**, Defendants shall respond to any of the following filed by Plaintiffs, if any: motion for leave to seek discovery, objections or requests to supplement/amend the Administrative Record.

5. By **May 6, 2024**, Plaintiffs shall notify the Court whether any pending motion for leave to conduct discovery and/or objections to or requests to supplement/amend the Administrative Record remain, if any. The Parties agree that no additional motions for leave to conduct discovery and/or objection to or requests to supplement/amend the Administrative Record will be filed on this date.

6. Motions for summary judgment shall be filed by **May 17, 2024**. Responses to motions for summary judgment shall be filed by **June 28, 2024**. Reply briefs supporting a party's motion for summary judgment shall be filed by **July 12, 2024**.

SIGNED this 5th day of February, 2024.

A handwritten signature in black ink, appearing to read "David Counts", with a stylized star or flourish at the end.

---

DAVID COUNTS  
UNITED STATES DISTRICT JUDGE